

9/16/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

JAY McCLOSKEY AND AMY  
LYNN ("LYNN") McCLOSKEY,

Plaintiffs,

vs.

MONTANA TECH OF THE  
UNIVERSITY OF MONTANA,  
DONALD M. BLACKKETTER, and  
BEVERLY HARTLINE, AND JOHN  
& JANE DOES 1 through 5,

Defendants.

No. CV 18-46-BU-SEH

**ORDER**

Plaintiffs' Complaint and Demand for Jury Trial was filed in the Montana Second Judicial District Court, Silver Bow County, on July 3, 2017.<sup>1</sup> Defendants removed to this Court on July 19, 2018,<sup>2</sup> and filed an Amended Answer on August 16, 2018.<sup>3</sup>

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<sup>1</sup> Doc. 6.

<sup>2</sup> Doc. 1.

<sup>3</sup> Doc. 8.

On August 6, 2019, Defendants moved for summary judgment<sup>4</sup> with a supporting brief.<sup>5</sup> On August 25, 2019, Plaintiffs filed a Rule 56(d) Motion to Allow Time for Full Discovery<sup>6</sup> with a supporting brief.<sup>7</sup> Plaintiffs' motion was granted as stated in the Court's Order of August 27, 2019.<sup>8</sup>

Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment was filed on September 5, 2019.<sup>9</sup> Defendants' reply brief was filed on September 10, 2019.<sup>10</sup> Defendants' summary judgment motion and briefs address the statute of limitations affirmative defenses as to Counts IV and V but do not address statute of limitations as an affirmative defense to Count III (Violation of Article II, Section 10, Article II, Section 17 of the Montana Constitution, and under the Fifth and Fourteenth Amendments to the United States Constitution in violation of 42 U.S.C. § 1983).

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<sup>4</sup> Doc. 18.

<sup>5</sup> Doc. 19.

<sup>6</sup> Doc. 22.

<sup>7</sup> Doc. 23.

<sup>8</sup> Doc. 24.

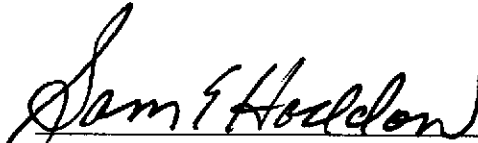
<sup>9</sup> Doc. 26.

<sup>10</sup> Doc. 27.

ORDERED:

Defendants shall have to and including September 27, 2019, in which to file an amended motion for summary judgment and supporting brief directed to the affirmative defense of statute of limitations as to Count III. Plaintiffs shall have to and including October 11, 2019, in which to file a brief in response. An optional reply brief will be due on or before October 25, 2019.

DATED this 16<sup>th</sup> day of September, 2019.

  
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SAM E. HADDON  
United States District Judge